

Attorney's Docket No: A3648.000/P185

DECLARATION AND POWER OF ATTORNEY
FOR UNITED STATES PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled HYBRID MICROPROCESSOR CONTROLLED VENTILATOR UNIT

the specification of which

(check one) is attached hereto. was filed on _____ as

Application Serial No. _____

and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to patentability to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56 and Title 35, United States Code, §102.

I hereby claim foreign priority benefit under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			Priority Claimed
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

 Additional Prior Foreign Applications are being listed on separate sheet(s) attached hereto.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of any of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status - patented, pending, abandoned
Application Serial No.	Filing Date	Status - patented, pending, abandoned
Application Serial No.	Filing Date	Status - patented, pending, abandoned

Additional United States Applications are being listed on separate sheet(s) attached hereto.

As a named Inventor, I hereby appoint:

Gary M. Hoffman, Reg. No. 28,411; Donald A. Gregory, Reg. No. 28,954; Thomas J. D'Amico, Reg. No. 28,371; Jon D. Grossman, Reg. No. 32,699; James W. Brady, Jr., Reg. No. 32,115; Mark J. Thronson, Reg. No. 33,082; Kenneth J. Sheehan, Reg. No. 36,270; Deborah H. Miller, Reg. No. 37,879; John A. Wasleff, Reg. No. 38,047; Eric Oliver, Reg. No. 35,037; Kenneth M. Berner, Reg. No. 37,093; Laurence E. Fisher, Reg. No. 37,131; and Moon Soo Lee, Reg. No. 37,377

my attorneys with full power of substitution and revocation to prosecute this application and to receive correspondence from and transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to:

DICKSTEIN, SHAPIRO & MORIN, L.L.P.
2101 L Street, N.W.
Washington, D.C. 20037
(202) 785-9700

The undersigned hereby authorizes the U.S. attorneys and/or agents named herein to accept and follow instructions from the agents and/or liaisons of the undersigned and/or the assignee of this application as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys and/or agents named herein will be so notified by the undersigned and/or any assignee of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first Inventor: Richard J. MelkerInventor's signature: [Signature]Date: AUGUST 15, 1995Residence: 6101 Northwest 19 Place, Gainesville, FL 32605 Citizenship: U.S.Post Office Address: 6101 Northwest 19 Place, Gainesville, FL 32605Full name of second Inventor: Michael J. BannerInventor's signature: [Signature]Date: 8/17/95Residence: 14727 Northwest 80 Ave., Gainesville, FL 32608 Citizenship: U.S.Post Office Address: 14727 Northwest 80 Ave., Gainesville, FL 32608Full name of third Inventor: Samsun LampotangInventor's signature: [Signature]Date: 8/17/95Residence: 1715 Northwest 22 St., Gainesville, FL 32605 Citizenship: MauritiusPost Office Address: 1715 Northwest 22 St., Gainesville, FL 32605 Additional inventors are being named on separate sheet(s) attached hereto.

Title 37, Code of Federal Regulations, § 1.56

Duty to disclose information material to patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: (1) prior art cited in search reports of a foreign patent office in a counterpart application, and (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

Title 35, United States Code, § 102

Conditions for patentability;
novelty and loss of right to patent

A person shall be entitled to a patent unless —

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

Title 35, United States Code, § 103

**Conditions for patentability;
non-obvious subject matter**

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Title 35, United States Code, § 112

Specification

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention. . .

Title 35, United States Code, § 119

**Benefit of earlier filing date in
foreign country; right of priority**

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country. If the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

No application for patent shall be entitled to this right of priority unless a claim therefor and a certified copy of the original foreign application, specification and drawings upon which it is based are filed in the Patent and Trademark Office before the patent is granted, or at such time during the pendency of the application as required by the Commissioner not earlier than six months after the filing of the application in this country. Such certification shall be made by the patent office of the foreign country in which filed and show the date of the application and of the filing of the specification and other papers. The Commissioner may require a translation of the papers filed if not in the English language and such other information as he deems necessary.

In like manner and subject to the same conditions and requirements, the right provided in this section may be based upon a subsequent regularly filed application in the same foreign country instead of the first filed foreign application, provided that any foreign application filed prior to such subsequent application has been withdrawn, abandoned, or otherwise disposed of, without having been laid open to public inspection and without

leaving any rights outstanding, and has not served, nor thereafter shall serve, as a basis for claiming a right of priority.

Applications for Inventor's certificates filed in a foreign country in which applicants have a right to apply, at their discretion, either for a patent or for an Inventor's certificate shall be treated in this country in the same manner and have the same effect for purpose of the right of priority under this section as applications for patents, subject to the same conditions and requirements of this section as apply to applications for patents, provided such applicants are entitled to the benefit of the Stockholm Revision of the Paris Convention at the time of such filing.

DECLARATION AND POWER OF ATTORNEY
FOR UNITED STATES PATENT APPLICATIONHYBRID MICROPROCESSOR CONTROLLED VENTILATOR UNIT

Full name of fourth Inventor: Paul B. Blanch

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Date: 8/17/95

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Date: 8/17/95

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